

DETAILED ACTION

Allowance After-Board Decision

1. A board decision was rendered in the application on September 22, 2010. The outcome of the board decision is set forth below.

(a) The rejection of claims 1, 3, 52, 53 and 55 under 102(b) as anticipated by John Thayer Boothby, (*Immunologic Responses to Mycoplasma bovis (1982)*(Ph.D. dissertation on filed with University Microfilms International) referred to as Boothby I in board decision the Examiner is affirmed.

(b) The rejection of claims 5, 6, 29, 30, 40-44 and 54 under 102(b) as anticipated by John Thayer Boothby, (*Immunologic Responses to Mycoplasma bovis (1982)*(Ph.D. dissertation on filed with University Microfilms International) referred to as Boothby I in board decision the Examiner is reversed.

(c) The rejection of claims 1, 3-12, 31-39 and 46-56 under 103(a) as obvious over John Thayer Boothby, (*Immunologic Responses to Mycoplasma bovis (1982)*(Ph.D. dissertation on filed with University Microfilms International) referred to as Boothby I in board decision, Poumarat et al (*Veterinary Microbiology*, 40, 1994, 305-321) and Thorns et al (*Res. Vet. Sci.*, 1980, 29(3), 328-332) the Examiner is affirmed.

Art Unit: 1645

(d) The rejection of claims 29, 30 and 40-45 under 103(a) as obvious over John Thayer Boothby, (*Immunologic Responses to Mycoplasma bovis* (1982)(Ph.D. dissertation on filed with University Microfilms International) referred to as Boothby I in board decision, Poumarat et al (*Veterinary Microbiology*, 40, 1994, 305-321) and Thorns et al (*Res. Vet. Sci.*, 1980, 29(3), 328-332) the Examiner is reversed.

2. Applicant filed an After-board decision amendment on November 22, 2010, claims 1-28, 31-39 and 46-56 are canceled. This amendment has been entered. Claims 29, 30 and 40-45 are pending. All rejections over claims 29, 30 and 40-45 have been reversed based on the board decision.

Therefore, claims 29, 30 and 40-45 are allowed.

3. The terminal disclaimer filed on November 22, 2010 is disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S Patent 7,429,389 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VANESSA L. FORD whose telephone number is (571)272-0857. The examiner can normally be reached on 9 am- 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Nickol can be reached on (571) 272-0835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vanessa L. Ford/
Primary Examiner, Art Unit 1645
January 6, 2011